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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,474	03/17/2004	Stan Cheng		5465

7590
STAN CHENG
3F, NO. 16, LANE 80, SEC. 2
FU-SHIN S. RD.
TAIWAN,
TAIWAN

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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04/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,474

Applicant(s)

CHENG, STAN

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9,10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9,10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2008 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "front frame" and the "rear frame" must be clearly shown/referenced or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 & 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 5, the phrase "into a load-bearing rail" is unclear as presently worded and may constitute a double inclusion of a previously recited limitation since it is not clear if the "a load-bearing rail" is a new and distinct limitation or if it is one rail of the plurality of load-bearing rails as set forth in claim 1. Appropriate correction/clarification is required. In Claim 13, the phrase "to be secured over the means for supporting the chassis cover and have a similar shape" is unclear and confusing as presently worded since the "means for supporting the chassis cover" has been interpreted as being the rails (11) due in part by the further limitation that the "means extending from a front of said chassis frame to a rear of said chassis frame". However, it is not clear how the rails themselves have a similar shape as the removable structure. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Chang [U.S. Patent 5,164,886]. Chang (figures 1-5) teaches of a computer chassis (fig. 1) comprising: a computer chassis frame (2); a chassis cover (1) for fitting over the computer chassis frame; means (5) capable of supporting the chassis cover when fitted over the computer chassis frame, the means extending from a front (front – fig. 1) of the chassis frame to a rear (rear – fig. 1) of the chassis frame and being located on a top surface (fig. 5) of the computer chassis frame; and a removable structure (6) adapted to be installed within the computer chassis frame and configured to house at least one computer component {diskdrive}, the removable structure configured to be secured over the means capable of supporting the chassis cover and have a similar shape [viewed as the adjacent surfaces of each member when (6) is mounted to (5) as best understood in view of the 112(2) rejection disclosed above], thereby securing the removable structure to the computer chassis frame in at least two directions as readily apparent to the examiner.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4-6, 9, 10 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Hsu [U.S. Patent 5,031,070] and Jeong [U.S. Patent 6,404,624]. Chang teaches of a computer chassis apparatus as disclosed above including a chassis frame (2) comprising at least one load-bearing rail (5) extending from a front frame (23) to a rear frame (22) and located on edges of the frame; and a plurality of protrusions (51) formed on top of the load-bearing rail and capable of supporting a chassis cover (1) mounted to the chassis frame over the protrusions and to laterally secure a removable structure (6) to the chassis frame in at least two directions by coupling the protrusions with portions (601) of the structure formed in a complementary shape as the protrusions, to be secured thereover. Chang disclosed applicant's inventive apparatus as noted, but does not specifically show the rail being in supporting contact with the cover [applicant recites "protrusions... supporting a chassis cover"] or show a plurality of rails or show portions of the structure as being the same shape as the protrusions. As to the plurality of rails, Hsu (figures 1-9) is cited as an evidence reference to show that it was known in the computer chassis art at the time the invention was made to utilize a plurality of rails (52, 53) situated between front and rear frames of a chassis (fig. 2). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the chassis of Chang so as to incorporate an additional rail as taught by Hsu because this arrangement would enhance the rigidity and stiffness of Chang's chassis while providing a secure space between the rails for mounting disc drives, power supply and other electrical components [col. 3 of Hsu]. As to the rail [particulars of the rail] being in supportive

contact with a cover, Jeong (figures 1-7B) is cited as an evidence reference to show that it was known in the computer chassis art at the time the invention was made to provide protrusions (shown in cross-section of fig. 4C) on a rail (40) that would be in supportive contact with a cover (180). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the rails of the prior art so as to allow the top surface of Chang's protrusions to maintain a height that is equal to the top surfaces of both the front and back frames as taught by Jeong (see fig. 4C) because this arrangement would allow for the weight of the cover (and a heavy component which may be placed atop the cover when setup in a working environment) to be distributed more uniformly across the frame components of the chassis thereby providing a more rigid and stable chassis. Conversely, the position can be taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the protrusions of Chang's rail with the protrusions located on the rail of Jeong because this arrangement would simplify the connection between the removable structure and the rail(s) since the step of sliding the structure relative to the rail(s) would be eliminated [A user would just need to position the removable structure over the rail and vertically align the mating features in order to secure the structure to the rail(s)]. Finally, as to the shape of the mating features i.e., portions and protrusions, note the following: the position is taken that it would have been an obvious matter of personal preference to vary the shape of elements or vary the distances between elements depending upon the needs and/or preferences of the user, since such a modification would have involved a mere change in the shape of a component. A change of this degree is generally recognized as being within the level of ordinary skill in the art.

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Furthermore, the Federal Circuit has held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984).

As to the remaining claims, the chassis frame may be considered a small form factor computer so far as this limitation does not impart any structural relevance to the frame. When modified, the protrusions have a flat top surface that would be in a position to support the cover; each protrusion is mounted to and formed integrally with the rail upon which it is located. The removable structure housing a diskdrive [bottom of col. 2 of Chang]. Concerning claim 14, the “upward facing surfaces” would be analogous to the rails, the “oblong rounded domes” would be analogous to the protrusions, the “drive frame” would be analogous to the structure, and the “interface structures” would be analogous to the portions as disclosed above.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James O. Hansen/
Primary Examiner, Art Unit 3637

JOH
April 18, 2008